

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 2:18-cv-01300

THE SUM OF \$4,733.00 IN UNITED STATES CURRENCY.

Defendant.

VERIFIED COMPLAINT FOR FORFEITURE IN REM

Plaintiff, United States of America, by its representative, Christopher R. Arthur, Assistant United States Attorney for the Southern District of West Virginia, hereby brings this Verified Complaint and alleges as follows in accordance with Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions:

NATURE OF THE ACTION

1. This is a civil action brought on behalf of the United States of America, pursuant to 18 U.S.C. § 983, to enforce the provisions of 21 U.S.C. § 881(a)(6) for the forfeiture of a certain sum of currency constituting proceeds of, or which was used or intended to be used in any manner or part to commit or to facilitate the commission of one or more violations of the Controlled Substances Act, 21 U.S.C. §§ 801 *et seq.*

THE DEFENDANT IN REM AND POTENTIAL INTERESTED PARTIES

2. The defendant property consists of \$4,733.00, more or less, in United States Currency that was seized on or about March 2, 2018, from Travis R. Edwards at 2422 Shadyside Road, Saint Albans, West Virginia, pursuant to a West Virginia state search warrant that was executed by members of the Charleston DEA Task Force. The currency is subject to forfeiture because it constitutes drug proceeds from Travis Edwards' drug distribution, and is being forfeited under 21 U.S.C. § 881(a)(6) in violation of 21 U.S.C. § 841.

3. As part of the plea agreement signed on July 2, 2018, Mr. Travis Edwards agreed "[t]o forfeit to the United States any and all property in Mr. Edwards possession or under his control which constitutes proceeds of or facilitated the distribution of controlled substances including, but not limited to, the following property that was seized from Mr. Edwards on or about March 2, 2018: (1) \$4,733.00, more or less, in United States currency".

4. The above-described seized currency is presently in the custody of the United States Marshals Service Seized Asset Deposit Fund, reference CATS NO. 18-DEA-639175.

JURISDICTION AND VENUE

5. Plaintiff, United States of America, brings this action in rem in its own right to forfeit and condemn the defendant

property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1335(a).

6. Venue is proper in this district, pursuant to 28 U.S.C. § 1335(b)(1)(A), since the acts or omissions giving rise to the forfeiture occurred in the Southern District of West Virginia. Upon the filing of this verified complaint, the plaintiff requests that the Clerk of this Court issue an arrest warrant in rem pursuant to Supplemental Rule G(3)(b)(i), which the plaintiff will execute upon the seized currency pursuant to 28 U.S.C. § 1335(d) and Supplemental Rule G(3)(c).

BASIS FOR FORFEITURE

7. The facts giving rise to the forfeitability of the defendant currency are as follows:

(A) Starting in February 2018, the Drug Enforcement Administration (DEA) opened an investigation into the distribution of heroin by Travis Edwards as a source of supply of heroin throughout Southern West Virginia.

(B) The DEA established a reliable Confidential Human Source (CHS) that purchased heroin from Travis Edwards which was observed by DEA agents.

(C) DEA Agents' observation of the heroin sale by Travis Edwards to the CHS led to the DEA obtaining a search warrant for

2422 Shadyside Road, Saint Albans, West Virginia. Upon execution of the warrant, officers located heroin in the drawer under the bed, \$4,733.00 in U.S. currency the headboard of the bed, a Ruger 38 Cal. Revolver and ammunition in the bedroom closet, a bag of marijuana in the living room coffee table, and a hashish oil vape cigarette in a kitchen cabinet.

8. In addition to the seizure of the controlled substance of heroin and marijuana, DEA seized the \$4,733.00 U.S. Currency.

9. On July 2, 2018, Travis Edwards entered into a plea agreement where he pled guilty to a violation of 21 U.S.C. § 841(a)(1).

10. The Court scheduled a sentencing hearing for October 25, 2018.

11. Mr. Edwards submitted certified financial statements to the United States reflecting that he is without sufficient funds to support him having access to \$4,733.00 in cash.

12. Mr. Edwards as part of his plea agreement agreed to cooperate with the United States to effectuate forfeiture.

13. Based on the fact that Mr. Edwards does not have an income to support this amount of cash on hand, the currency was seized and is being processed for forfeiture as it represents proceeds from Edward's illegal drug activities.

WHEREFORE, the United States prays that process of warrant in
rem issue for the arrest of the defendant currency; that due notice
be given to all parties to appear and show cause why the forfeiture
should not be decreed; that judgment be entered declaring the
defendant property be forfeited to the United States for
disposition according to law; and that the United States be granted
such other relief as this Court may deem just and proper, together
with the costs and disbursements of this action.

Respectfully submitted,

MICHAEL B. STUART
United States Attorney

s/ Christopher R. Arthur
Christopher R. Arthur
Assistant United States Attorney
WV State Bar No. 9192
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Charleston, WV 25701
Telephone: 304-340-3522
Fax: 304-
E-mail: chris.arthur@usdoj.gov

VERIFICATION

I, Steven G. Martin, Detective with the Putnam County Narcotics Unit in Putnam County, West Virginia, and assigned as a Task Force Officer for the Drug Enforcement Administration, declares under penalty of perjury as provided by 28 U.S.C. § 1746, the following:

That the foregoing Complaint for Forfeiture in rem is based upon information I have gathered and which has been provided to me by various law enforcement personnel, and that everything contained therein is true and correct to the best of my knowledge and belief.

Executed on September 14th, 2018.



Steven G. Martin

Taken, subscribed and sworn to before me this 14th day of September, 2018.



Notary Public

My commission expires on April 26, 2020.



CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

The sum of \$4,733.00 in United States Currency

County of Residence of First Listed Defendant Kanawha
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	PTF	DEF
<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability	PROPERTY RIGHTS	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 890 Other Statutory Actions
	REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 891 Agricultural Acts
		PRISONER PETITIONS	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 893 Environmental Matters
		Habeas Corpus:	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 895 Freedom of Information Act
		<input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 896 Arbitration
		<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
		<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 443 Housing/ Accommodations		
		<input type="checkbox"/> 445 Amer. w/Disabilities - Employment		
		<input type="checkbox"/> 446 Amer. w/Disabilities - Other		
		<input type="checkbox"/> 448 Education		
		IMMIGRATION		
		FEDERAL TAX SUITS		
		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
		<input type="checkbox"/> 530 General	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		<input type="checkbox"/> 535 Death Penalty		
		OTHER:		
		<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 U.S.C. 881(a)(6)

VI. CAUSE OF ACTION

Brief description of cause:
Forfeiture or drug proceeds

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

9/14/18

SIGNATURE OF ATTORNEY OR RECOGNIZED

Christopher W. Arthur

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____